

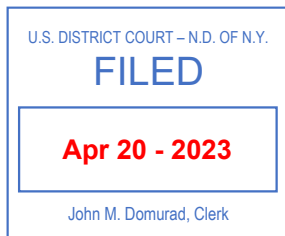
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

**RICHARD W. CRIST,
JAMES R. GORDON, and
LESLIE A. WALLACE,**

Defendants.



Criminal No. 1:23-CR-160(MAD)

Indictment

Violations: 18 U.S.C. § 241
[Conspiracy to Violate
Constitutional Rights]

18 U.S.C. § 1512(b)(3)
[Witness Tampering]

18 U.S.C. § 1001(a)(2)
[False Statement]

3 Counts

Counties of Offenses: Rensselaer, Albany

THE GRAND JURY CHARGES:

Background

1. The County Executive of Rensselaer County, New York was first elected in November 2017 and took office on January 1, 2018 (“the Sitting County Executive”).

2. In 2018, after taking office, the Sitting County Executive appointed defendant **RICHARD W. CRIST** (“CRIST”) as the Director of Operations for Rensselaer County. In that role and because of his relationship with the Sitting County Executive, **CRIST** had substantial apparent and actual authority over Rensselaer County employees, including in the areas of hiring, promoting, disciplining, and firing employees.

3. In 2018, after taking office, the Sitting County Executive appointed defendant **JAMES R. GORDON** (“GORDON”) as the Director of the Bureau of Central Services for

Rensselaer County. In that role and because of his relationships with the Sitting County Executive and **CRIST, GORDON** had substantial apparent and actual authority over Rensselaer County employees, including in the areas of hiring, promoting, disciplining, and firing employees.

4. At all times relevant to this indictment, defendant **LESLIE A. WALLACE** (“**WALLACE**”) was an employee of Rensselaer County assigned to the County Executive’s Office in the role of constituent relations. **WALLACE** reported to **CRIST** and worked closely with **CRIST** and **GORDON**.

5. **CRIST, GORDON, and WALLACE** were members and supporters of the Republican Party. In 2021, they each oversaw and participated in election strategy for Republican candidates for office in Rensselaer County.

6. Numerous residents of Rensselaer County voted in primary and general elections held in Rensselaer County in 2021. Each of these voters possessed the right and privilege, secured by the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, to have their votes counted equally to those of other voters and to not have the effect of their votes diluted, offset, or diminished by false and illegal votes.

7. The Working Families Party (“WFP”) was one of four political parties to have a ballot line in the general election held in New York State in 2021. On June 22, 2021, a primary election was held in Rensselaer County to nominate the candidates who would appear on the WFP ballot line in the general election to be held on November 2, 2021.

8. On November 2, 2021, the general election was held to select the candidates who would serve in government offices in Rensselaer County, including County Executive, Rensselaer County Clerk, Rensselaer County Legislature, Rensselaer City Mayor, and Troy City Council. The Sitting County Executive ran for re-election.

9. Registered and qualified voters who resided in Rensselaer County could vote in the Rensselaer County 2021 primary election and general election in person or, if they met certain requirements, by absentee ballot. To obtain an absentee ballot for the 2021 Rensselaer County primary election and general election, a voter was required to submit a completed absentee ballot application to the Rensselaer County Board of Elections (“board of elections”).

10. The absentee ballot application required an applicant to provide a legally sufficient reason to vote by absentee ballot. A list of legally sufficient reasons was printed on the application, including, among others: (a) “absence from county . . . on election day”; (b) “temporary illness or physical disability”; and (c) “permanent illness or physical disability.” The application required applicants to check a box next to the applicable reason for being unable to vote in person. In 2021, because of the COVID-19 pandemic, “illness” included inability to vote in person due to a risk of contracting or spreading a communicable disease.

11. Except in circumstances not relevant here, the absentee ballot application required an applicant to sign and date the application below the following text: “I certify that I am a qualified and a registered (and for primary, enrolled) voter; and that the information in this application is true and correct and that this application will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.”

12. The absentee ballot application allowed an applicant to specify how the applicant would receive the absentee ballot. An applicant could authorize another person, identified by name, to pick up the applicant’s absentee ballot at the board of elections.

13. When the board of elections issued an absentee ballot, it provided: (a) the absentee ballot, which was to be used to cast votes for candidates named on the ballot (or write-in

candidates); and (b) an envelope, bearing the voter's name and address, into which the voter placed the completed absentee ballot. Absentee ballots contained no markings identifying the voters to whom they were issued, and voters did not identify themselves on absentee ballots. To vote by absentee ballot, a voter placed the completed absentee ballot into the envelope bearing the voter's name and address, sealed it, and signed the outside of the envelope certifying, among other things, that the absentee voter "will be unable to appear personally on the day of the election for which this ballot is voted at the polling place of the election district in which I am qualified to vote because of the reason given on my application heretofore submitted."

COUNT 1
[Conspiracy to Violate Constitutional Rights]

14. Paragraphs 1 through 13 are re-alleged and incorporated by reference.

15. From on or about January 1, 2021, to on or about November 2, 2021, in Rensselaer County in the Northern District of New York, defendants **RICHARD W. CRIST, JAMES R. GORDON, and LESLIE A. WALLACE**, while acting under color of law, knowingly and willfully conspired with each other and others to injure and oppress certain registered voters in Rensselaer County—specifically, those who voted in the June 2021 primary election, the November 2021 general election, or both, for candidates other than those for whom the conspirators cast multiple false and illegal votes using absentee ballots obtained by fraud and intimidation—in the free exercise and enjoyment of a right secured to these voters by the Constitution of the United States, that is, the right under the Equal Protection Clause of the Fourteenth Amendment to be free from improper discrimination by the dilution of their votes as compared to votes cast by other voters.

The Object of the Conspiracy

16. The object of the conspiracy was for **CRIST, GORDON, WALLACE**, and other conspirators to obtain absentee ballots through fraud and intimidation and use them to cast multiple false and illegal votes for their preferred candidates in the 2021 primary and general elections in Rensselaer County, thereby diluting, offsetting, and diminishing the effect of lawfully cast votes for other candidates to make it more likely that the conspirators' preferred candidates would win the elections.

Manner and Means of the Conspiracy

17. **CRIST, GORDON, WALLACE**, and other conspirators, acting under color of law, arranged to change the party registration of certain Rensselaer County employees to make them eligible to vote in certain primary election contests and recruited some of these employees to run for the WFP nomination for various local government offices in the primary election.

18. **Absentee Ballot Applications:** From in or around January 2021 through September 2021, **CRIST** and **GORDON**, acting under color of law, asked, directed, and told select Rensselaer County employees to sign absentee ballot applications. These employees did not intend to request absentee ballots, and did not ask **CRIST** or **GORDON** to assist them with voting.

19. **CRIST, GORDON**, and other conspirators filled out the applications by (a) writing each employee's name, date of birth and address; (b) providing a reason for requesting an absentee ballot; (c) requesting the issuance of absentee ballots for the primary election or the general election, or both; and (d) purporting to authorize that each absentee ballot be released to a designated conspirator including, in some instances, to **CRIST** or **GORDON**.

20. The employees, who feared that a refusal would adversely affect their jobs, each signed the absentee ballot application as directed, thereby certifying "that the information in this

application is true and correct,” when in fact the employees did not know the reason that **CRIST**, **GORDON**, and other conspirators provided on the applications justifying voting by absentee ballot.

21. **Primary Election Absentee Ballots:** In or around June 2021, and after causing absentee ballot applications to be filed with the board of elections, **CRIST**, **GORDON**, and another conspirator obtained primary election absentee ballots that the board of elections issued to Rensselaer County employees who signed absentee ballot applications in response to **CRIST**’s and **GORDON**’s requests and directives.

22. **CRIST** and **GORDON**, acting under color of law, then asked, directed, and told these Rensselaer County employees to sign absentee ballot envelopes, and the employees, who feared that a refusal would adversely affect their jobs, complied. The employees did not complete the absentee ballots that were to be placed and sealed in the envelopes. Although by signing the envelopes each employee certified that the employee would “be unable to appear personally on the day of the election for which this ballot is voted at the polling place of the election district in which I am qualified to vote because of the reason given on my application heretofore submitted,” in fact each employee did not know the reason given on the absentee ballot application because the conspirators, not the employee, had filled out that part of the application.

23. By having these employees sign only the absentee ballot envelopes, **CRIST** and **GORDON** were able to use the absentee ballots to vote multiple times for the candidates they preferred in the WFP primary election, including the Rensselaer County employees **CRIST** and **GORDON** had recruited to run in the primary election, none of whom had interest in holding public office. The conspirators did this to make it less likely that candidates for Democratic Party nomination who also were seeking to be nominated by the WFP would be elected as WFP

nominees, and thus prevent the names of Democratic Party candidates from appearing on the WFP ballot line in the general election.

24. **General Election Absentee Ballots:** In or around September and October 2021, **CRIST**, **GORDON**, and another conspirator obtained general election absentee ballots that the board of elections issued to Rensselaer County employees who signed absentee ballot applications in response to **CRIST**'s and **GORDON**'s requests and directives.

25. **CRIST** and **GORDON**, acting under color of law, then asked, directed, and told these Rensselaer County employees to sign absentee ballot envelopes, and the employees, who feared that a refusal would adversely affect their jobs, complied. The employees did not complete the absentee ballots that were to be placed and sealed in the envelopes. Although by signing the envelopes each employee certified that the employee would "be unable to appear personally on the day of the election for which this ballot is voted at the polling place of the election district in which I am qualified to vote because of the reason given on my application heretofore submitted," in fact each employee did not know the reason given on the absentee ballot application because the conspirators, not the employee, had filled out that part of the application.

26. By having these employees sign only the absentee ballot envelopes, **CRIST**, **GORDON**, and **WALLACE** were able to use the absentee ballots to vote for the candidates they preferred in the 2021 general election.

27. **Additional Applications and Ballots:** For the 2021 primary and general elections, **CRIST**, acting under color of law, directed certain Rensselaer County employees to recruit family members, friends, and others who were registered voters in Rensselaer County to sign absentee ballot applications. The employees, who feared that refusing would adversely affect their jobs, did as **CRIST** directed. The employees gave the signed applications to **CRIST**, who completed

the applications so that the applications authorized the voters' absentee ballots to be released to **CRIST** and to another conspirator.

28. **CRIST** then caused the absentee ballot applications to be submitted to the board of elections, which provided absentee ballots for the voters. **CRIST**, acting under color of law, then directed the employees to have the voters sign their absentee ballot envelopes without completing the ballots that were to be placed and sealed in the envelopes. The employees did as directed and provided the signed envelopes to **CRIST**, who then was able to vote – and have other people vote – for the conspirators' preferred candidates in the 2021 primary and general elections.

Overt Acts

29. In furtherance of the conspiracy and to achieve its objective, the conspirators committed the following overt acts, among others:

a. **CRIST** and **GORDON**, acting under color of law, caused certain Rensselaer County employees to sign the absentee ballot applications listed below, as identified by the last three digits of each employee's voter registration number and the date the board of elections stamped each absentee ballot application as received:

Overt Act No.	Last 3 Digits of Voter Registration Number	Date Absentee Ballot Application Stamped as Received
1	228	May 24, 2021
2	614	May 24, 2021
3	251	June 2, 2021
4	867	June 3, 2021
5	021	June 4, 2021
6	497	June 4, 2021
7	799	June 4, 2021
8	373	June 7, 2021
9	420	June 7, 2021
10	629	June 7, 2021
11	632	June 7, 2021
12	755	June 7, 2021
13	850	June 7, 2021
14	941	June 7, 2021

Overt Act No.	Last 3 Digits of Voter Registration Number	Date Absentee Ballot Application Stamped as Received
15	778	June 10, 2021
16	198	June 18, 2021
17	477	June 18, 2021
18	728	October 4, 2021

b. **CRIST** and **GORDON**, acting under color of law, caused certain Rensselaer County employees to sign the primary election absentee ballot envelopes listed below, as identified by the last three digits of each employee's voter registration number and the date the board of elections stamped each primary election absentee ballot envelope as received:

Overt Act No.	Last 3 Digits of Voter Registration Number	Date Primary Election Absentee Ballot Envelope Stamped as Received
19	021	June 21, 2021
20	198	June 21, 2021
21	228	June 21, 2021
22	251	June 21, 2021
23	373	June 21, 2021
24	420	June 21, 2021
25	477	June 21, 2021
26	614	June 21, 2021
27	629	June 21, 2021
28	632	June 21, 2021
29	778	June 21, 2021
30	799	June 21, 2021
31	850	June 21, 2021

c. **CRIST** and **GORDON**, acting under color of law, caused certain Rensselaer County employees to sign the general election absentee ballot envelopes listed below, as identified by the last three digits of each employee's voter registration number and the date the board of elections stamped each general election absentee ballot envelope as received:

Overt Act No.	Last 3 Digits of Voter Registration Number	Date General Election Absentee Ballot Envelope Stamped as Received
32	778	October 31, 2021
33	021	November 1, 2021
34	228	November 1, 2021
35	251	November 1, 2021

Overt Act No.	Last 3 Digits of Voter Registration Number	Date General Election Absentee Ballot Envelope Stamped as Received
36	373	November 1, 2021
37	420	November 1, 2021
38	477	November 1, 2021
39	614	November 1, 2021
40	629	November 1, 2021
41	632	November 1, 2021
42	728	November 1, 2021
43	799	November 1, 2021
44	941	November 1, 2021
45	850	November 2, 2021

d. On or about November 1, 2021, **WALLACE** completed general election absentee ballots that the board of elections had issued to other Rensselaer County voters and in doing so voted for the conspirators' preferred candidates.

All in violation of Title 18, United States Code, Section 241.

COUNT 2
[Witness Tampering]

30. Paragraphs 1 through 29 are hereby re-alleged and incorporated by reference.

31. At all times relevant to the indictment, Employee A was a duly registered voter entitled to vote in primary and general elections held in Rensselaer County in 2021.

32. At **CRIST's** and **GORDON's** direction, Employee A signed absentee ballot paperwork that enabled **CRIST, GORDON, WALLACE**, and other conspirators to cast false and illegal votes in the 2021 primary and general elections in Rensselaer County with absentee ballots issued to Employee A.

33. On or about December 20, 2021, a Special Agent of the Federal Bureau of Investigation ("FBI") contacted Employee A by telephone to arrange an interview regarding Employee A's knowledge of a conspiracy to commit election fraud. Shortly after this telephone

call, Employee A placed a telephone call to **GORDON** to notify **GORDON** that the FBI planned to question Employee A.

34. On or about December 20, 2021, in Rensselaer County in the Northern District of New York, defendant **JAMES R. GORDON** knowingly engaged in misleading conduct toward another person with intent to hinder, delay, and prevent the communication to a law enforcement officer of the United States of information relating to the commission and possible commission of a federal offense, that is, **GORDON** spoke to Employee A by telephone and falsely stated in sum and substance that Employee A had completed Employee A's own absentee ballots in the 2021 primary and general elections in Rensselaer County, intending to induce Employee A to repeat this false information to FBI Special Agents who were investigating a conspiracy to commit election fraud, in violation of Title 18, United States Code, Section 241, and prevent Employee A from telling FBI Special Agents that, in fact, Employee A had not completed absentee ballots in connection with these elections but instead only signed absentee ballot envelopes, in violation of Title 18, United States Code, Section 1512(b)(3).

COUNT 3
[False Statement]

35. Paragraphs 1 through 29 are hereby re-alleged and incorporated by reference.

36. Between on or about April 2021 and November 2021, Voter B was registered to vote in Rensselaer County. At **WALLACE's** request, Voter B signed (i) an absentee ballot application, on or about June 9, 2021; (ii) an absentee ballot envelope for the primary election, on or about June 18, 2021; and (iii) an absentee ballot envelope for the general election, on or about October 9, 2021. Voter B did not otherwise complete the absentee ballot application or absentee ballots in connection with either the primary election or general election in 2021.

37. On or about February 8, 2022, in Albany County in the Northern District of New York, defendant **LESLIE A. WALLACE** knowingly and willfully made a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the Government of the United States, that is **WALLACE** falsely stated to FBI Special Agents that Voter B had completed an absentee ballot for the 2021 general election when, as **WALLACE** then well knew, Voter B had not completed an absentee ballot for that election but instead only signed an absentee ballot envelope, in violation of Title 18, United States Code, Section 1001(a)(2).

Dated: April 20, 2023

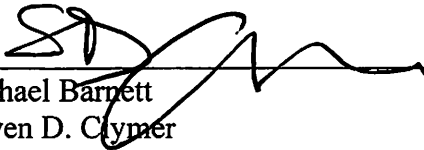
A TRUE BILL, *NAME REDACTED*



Grand Jury Foreperson

CARLA B. FREEDMAN
United States Attorney

By:



Michael Barnett
Steven D. Clymer
Assistant United States Attorney
Bar Roll Nos. 519140 and 509281